

Senate Study Bill 3138 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to firearms and weapons, including the storage,
2 carrying, possession, or transportation of weapons and the
3 establishment, use, and maintenance of shooting ranges.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 335.26 Shooting ranges.

2 In approving the improvement of property acquired to
3 establish, use, and maintain a new shooting range or in
4 approving a substantial change to an existing shooting range
5 pursuant to section 657.9, subsection 1, the county zoning
6 commission, or if there is not a county zoning commission,
7 the county board of supervisors, shall not require a person
8 seeking approval to comply with any conditions relating to the
9 establishment, use, or maintenance of the shooting range that
10 are more stringent than those imposed by state law.

11 Sec. 2. NEW SECTION. 414.26 Shooting ranges.

12 In approving the improvement of property acquired to
13 establish, use, and maintain a new shooting range or in
14 approving a substantial change to an existing shooting range
15 pursuant to section 657.9, subsection 1, the city zoning
16 commission, or if there is not a city zoning commission, the
17 city council, shall not require a person seeking approval to
18 comply with any conditions relating to the establishment, use,
19 or maintenance of the shooting range that are more stringent
20 than those imposed by state law.

21 Sec. 3. Section 724.28, subsections 2 and 3, Code 2020, are
22 amended to read as follows:

23 2. A political subdivision of the state shall not enact
24 an ordinance regulating the ownership, possession, legal
25 transfer, lawful transportation, modification, registration, or
26 licensing of firearms, firearms attachments, or other weapons
27 when the ownership, possession, transfer, ~~or~~ transportation, or
28 modification is otherwise lawful under the laws of this state.
29 An ordinance regulating firearms, firearms attachments, or
30 other weapons in violation of **this section** existing on or after
31 April 5, 1990, is void.

32 3. If a political subdivision of the state, prior to,
33 on, or after July 1, ~~2017~~ 2020, adopts, makes, enacts, or
34 amends any ordinance, measure, enactment, rule, resolution,
35 motion, or policy regulating the ownership, possession, legal

1 transfer, lawful transportation, modification, registration, or
2 licensing of firearms, firearms attachments, or other weapons
3 when the ownership, possession, transfer, transportation,
4 modification, registration, or ~~license~~ licensing of firearms,
5 firearms attachments, or other weapons is otherwise lawful
6 under the laws of this state, a person adversely affected by
7 the ordinance, measure, enactment, rule, resolution, motion, or
8 policy may file suit in the appropriate court for declaratory
9 and injunctive relief ~~for damages~~ and all damages attributable
10 to the violation. A court shall also award the prevailing
11 party in any such lawsuit reasonable attorney fees and court
12 costs.

13 Sec. 4. Section 724.28, Code 2020, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 4. A political subdivision of the state
16 may restrict the carrying, possession, or transportation
17 of firearms or other dangerous weapons in the buildings or
18 physical structures located on property under the political
19 subdivision's control if adequate arrangements are made by the
20 political subdivision to screen persons for firearms or other
21 dangerous weapons and the political subdivision provides armed
22 security personnel inside the building or physical structure
23 where the restriction is to be in effect.

24 NEW SUBSECTION. 5. A political subdivision of the state
25 shall not enact an ordinance, motion, resolution, or amendment
26 regulating the storage of weapons or ammunition. An ordinance,
27 motion, resolution, or amendment regulating the storage of
28 weapons or ammunition existing on or after July 1, 2020, is
29 void. This subsection shall not be construed to preclude a
30 political subdivision from regulating the storage of explosive
31 materials consistent with chapter 101A.

32 Sec. 5. NEW SECTION. **724.32 County courthouse — weapon**
33 **prohibitions.**

34 A supreme court or judicial branch order that prohibits
35 a person from lawfully carrying, possessing, or transporting

1 a weapon in a county courthouse or other joint-use public
2 facility shall be unenforceable unless the judicial order
3 applies only to a courtroom or a court office, or to a
4 courthouse used only for judicial branch functions.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill relates to the carrying, possession, or
9 transportation of weapons in buildings or physical structures
10 located on property under the control of a political
11 subdivision and in county courthouses, and the regulation by
12 counties and cities relating to the storage of weapons and
13 shooting ranges.

14 Current law requires a person to obtain the approval of the
15 appropriate county or city zoning commission, or if the county
16 or city does not have a zoning commission, the county board
17 of supervisors or the city council, before improving property
18 acquired to establish, use, and maintain a shooting range or
19 before substantially changing the existing use of a shooting
20 range. The bill prohibits the appropriate commission, the
21 county board of supervisors, or the city council from requiring
22 the person seeking approval to comply with any conditions on
23 the establishment, use, or maintenance of a shooting range that
24 are more stringent than those imposed by state law.

25 Current law provides that a political subdivision shall not
26 enact, adopt, make, or amend any ordinance, measure, enactment,
27 rule, resolution, motion, or policy that regulates the
28 ownership, possession, legal transfer, lawful transportation,
29 registration, or licensing of firearms when the ownership,
30 possession, transfer, transportation, registration, or license
31 is otherwise lawful, and that a person adversely affected
32 by such an ordinance, measure, enactment, rule, resolution,
33 motion, or policy may file suit in the appropriate court for
34 declaratory and injunctive relief for damages. The bill
35 extends this prohibition to modifications and further provides

1 that the prohibition applies to firearm attachments and other
2 weapons. The bill provides that a person adversely affected
3 may also file a lawsuit for damages attributable to the
4 violation. The bill provides that a court shall also award the
5 prevailing party reasonable attorney fees and court costs.

6 The bill provides that political subdivisions may restrict
7 the carrying, possession, or transportation of firearms or
8 other dangerous weapons in the buildings or physical structures
9 located on property under the political subdivision's control
10 if arrangements are made to screen persons entering into the
11 building or physical structure and the political subdivision
12 provides armed security personnel inside the building or
13 physical structure.

14 The bill prohibits a political subdivision from enacting
15 an ordinance, motion, resolution, or amendment regulating
16 the storage of weapons or ammunition and any such ordinance,
17 motion, resolution, or amendment existing on or after July 1,
18 2020, is void. However, the bill does not preclude a political
19 subdivision from regulating the storage of explosive materials
20 consistent with Code chapter 101A.

21 The bill provides that a supreme court or judicial branch
22 order that prohibits a person from carrying, possessing, or
23 transporting a weapon in a county courthouse or other joint-use
24 public facility shall be unenforceable unless the judicial
25 order applies only to a courtroom or a court office, or to a
26 courthouse used only for judicial branch functions.